

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

Patrick Joseph Charest, #182262

Plaintiff,

Vs.

Alabama Pardon & Paroles et. al.,

Defendants.

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Case No: 07-CV-984-MHT (WO)

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EDNA P. HACKETT, CL.  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**PLAINTIFF'S MOTION FOR LEAVE TO**  
**STAY PROCEEDINGS PENDING DISCOVERY**  
**OF FICTITIOUS PARTIES NAMES**

COMES NOW Patrick Joseph Charest (hereinafter "CHAREST") moves this Court to *GRANT* and *ENTERTAIN* the above styled action as follows:

§ 1. Based upon this Courts instant action (4/23/08) denying Charest the discretionary motion to *AMEND* (Doc. 59) his §1983 COMPLAINT dated October 19, 2007 with the *actual parties* recently revealed through partial *DISCOVERY* –Charest seeks from this Court an emergency "*temporarily stay*" to the instant proceeding until Charest's inquiry from Counselor Hugh Davis currently representing three (3) of the Defendants at hand –can reveal whom said fictitious party are for future service.

§ 2. During the review of Defendants March 14, 2008 Response was attached an Exhibit A, recognized as the Board of Pardon & Paroles *action form* dated 12/6/05 ["Charest's 2005 parole hearing *denial*"] predicated two (2) *signatures* unknown to Charest.

§ 3. Based upon such belated revelation by Defendants Weatherly and Longshore in their Affidavits Exhibited C, D of these two (2) fictitious parties existence but not actually naming said two (2) mystery person(s) Charest merely named them as Doe(s) # 1, #2, in his last motion (Doc. 59) which this Court just *DENIED* April 23, 2008.

§ 4. Charest maintains that Defendants Weatherly, Longshore totally failed to disclose the *identities* of the two (2) special parole members whom caused the constitutional deprivations against Charest during the above mention discovery process, in their first *RESPONSE* to Charest's production of documents (Doc. 41, 42), in Charest's document styled: "*Request For Discovery / Production For Documents*, at page 8, lettered "l, m and n" stated:

"Names and addresses of any and all memoranda, documents and reports presented, offered, submitted by defendant's to its subordinates, the Board agents thereof, connected with the specific subject matter of the case referred to above as well as the names of any and all investigator's, agents thereof; id at p. 8 ¶ l.

"Names and addresses of any and all persons who may have some knowledge, information as to facts, evidence in the present case, action against the Defendant's; id. at p. 8, ¶ m.

"Full names and addresses of any and all persons who gave facts, information, data or otherwise evidence which served as a basis for any aspect of this case against these Defendant's;" id. at p. 8, ¶ n.

(Emphasis-added). Charest requests that this Court "*take judicial notice*," pursuant to Rule 201, Fed.R.Civ.P., of its own records exhibited –specifically "Defendants Exhibit-A," inclusive to Charest documents 41, 42, see *U.S. v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994) (citing 21 C. Wright & K. Graham, *Federal Practice and Procedure: Evidence* 5104 at 485 (1977 & Supp.1994)); *Terrebonne v. Blackburn*, 646 F.2d 997, 1000 n.4 (5th Cir. 1981)("Courts have not hesitated to take judicial notice of agency records and reports.") (citations omitted).

§ 5. Charest maintains that this delay is a direct result of Defendants failures to reveal, disclose and identify said mystery board members whom caused the injuries, this Court specifically **directed** the Defendants on February 13, 2008 to either submit "*objections to or state specifically reasons for objections.*" Id, see Charest's attached "*Motion to Compel Defendants to Comply With Court's Order Doc. 43.*"

WHEREFORE PREMISES SHOWN, Plaintiff Charest requests for a STAY of PROCEEDINGS permitted under the circumstances ascribed above, hereinafter for juridical efficiency, as a matter of right –to properly prosecute this §1983 COMPLAINT.

Done so this April 26<sup>th</sup>. 2008.

Respectfully submitted,

  
Patrick Joseph Charest # 182262

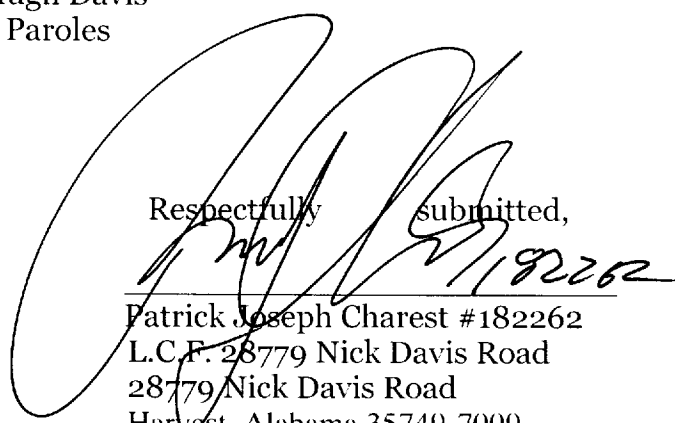
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day, dated below, placed said motion for temporary stay of proceedings in the U.S. mailbox properly addressed to Defendants as follows:

1. Defendants Williams (Wynn), Weatherly, Longshore et. al.,  
C/O Chief Counsel Honorable Hugh Davis  
Attorney for Alabama Pardon & Paroles  
301 South Ripley Street  
Post Office Box #302405  
Montgomery, Alabama 36130

Done so this April 26<sup>th</sup>. 2008.

Respectfully submitted,

  
Patrick Joseph Charest #182262  
L.C.F. 28779 Nick Davis Road  
28779 Nick Davis Road  
Harvest, Alabama 35749-7009

CHAREN PATRICK #182262  
Limestone C.F. J-Door  
28779 Nick Davis Road  
Harvest, Alabama  
35749-7009

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LEGAL MAIL

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United States District  
Court Honorable D. Wackett  
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Montgomery, Alabama  
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